of Company Affairs, all Regional Directors and Registrars of Companies were advised to ensure that where the penal provisions contained in the Companies Act, 1956 provide for punishment of 'Officers in default', prosecution be filed against the Managing Director (s), Whole-time director (s) and Manager, apart from the Secretary, if any, and the company and only in cases where there is no such managerial personnel (i.e. Managing Director/whole-time Director/Manager), prosecution be filed against all the directors, apart from the Secretary, if any, and the company.

This clarification is in no way in conflict with any recent judicial pronouncement. As a matter of fact, such an interpretation of Section 5 of the Companies Act was given by the Hon'ble High Court of Judicature for Rajasthan at Jaipur Bench in a case recently.

Uniform Civil Code

1494. SHRI JAGMOHAN: Will the PRIME MINISTER be plesed to state:

(a) whether Government are considering enactment of a uniform civil code for all its citizens in view of the specific provisions of Article 44 of the Constitution and the recent judgement of the Lucknow Bench of the Allahabad High Court; and

(b) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) and (b) No, Sir. Enactment of Uniform Civil Code for all citizens will necessarily involve changes in the personal laws of the minority communities. The consistent policy of the Government has been not to interfere on its own in the personal laws of the minority communities unless the initiative for the changes come from those communities.

Strike by lawyers of Delhi Bar Association

1495. SHRI HANUMANTHAPPA: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that the lawyers of Delhi Bar Association went on strike recently in protest against the proposal to implement the Family Courts debarring them from appearance; and

(b) if so, the reaction of Government and the action Government propose to take in this matter?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) Yes, Sir

(b) The matter is under consideration of the Government.

Establishment of De-limitation Commission

1496. SHRI YERRA NARAYANASWAMY: Will the PRIME MINISTER be pleased to state:

(a) whether there is a proposal to introduce legislation in this Session for establishment of a De-Limitation Commission;

(b) if so, the details thereof;

(c) whether the varied sizes of constituncies have to be reviewed; and

(d) if so, the steps proposed in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) to (d) There is a proposal to introduce a Constitution Amendment Bill in this Session of Parliament to provide for fresh delimitation of constituencies on the basis of 1991 Census without affecting the existing number of seats allocated to various States. Actio

for introducing a legislation for establishment of Delimitation Commission can be taken only after the proposed Constitution Amendment Bill is passed by Parliament.

Remedial measures for delayed justice

1497. SHRI CHIMANBHAI MEHTA:
SHRI P. UPENDRA:

Will the PRIME MINISTER be pleased to state:

(a) whether Government have exchanged views with judiciary on the problems of delayed justice throughout the country;

(b) whether it is a fact that lawyers are benefited due to long delays and therefor the disposal is not quick enough;

(c) whether it is also a fact that the lawyers take frequent edjournment in the courts, prolong litigations and make clients suffer finatcially and mentally;

(d) whether Government would appoint a commission to hear and understand clients' grievances against delays; and

(e) whether Government would request judicsary and work out a methodolog whereby delays are cut short?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) to (e) In order to consider the problem of arrears of cases in Courts and find out ways and means to deal with it as expeditiously as possible, a meeting of the Chief Ministers and Chief Justices of the High Courts was held on 4th December, 1993, under the Chairmanship of Prime Minister. The Conference adopted several resolution, which have been commended to all the State Governments UT Administrations and High Courts for necessary action. The Chief Ministers and Chief Justices, while noting that the problem of arrears was complex in nature, emphasised that timely action was called for with a view to bringing the justice system in-tune with the current needs of all court users at the same time ensuring the quality of justice required to be maintained in any State governed by the Rule of Law.

The Adminisration of Justice has been made a plan item with a view to remove infrastructural bottlenecks coming in the way of expeditious disposal of cases.

Financial mismanagement by INCAB Industries Ltd.

1498. SHRI GAYA SINGH: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that a matter of financial mismanagement af Company's fund by the management of M/s. Incab Industries Ltd. is pending before the Company Law Board since long for a decision of deeper probe into this as per suggestion by DCA who found serious charges during preliminary envestigation; and

(b) if so, the reasons therefor and when the CLB is going to fix a date for hearing in this matter?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) and (b) A reference was made to the Company Law Board under Section 237 (b) of the Companies Act, 1956 for ordering investigation into the affairs of M/s. Incab Industries Limited. The Compay Law Board heard the departmental representative of the Central Govrnment in this regard on 13th July, 1994. The matter is sub-judice before the Company Law Board and its decision as awaited.